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FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5935  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHBJ/AMEMBASSY BEIJING 1391  
RUEHBY/AMEMBASSY CANBERRA 0250  
RUEHKA/AMEMBASSY DHAKA 4524  
RUEHLO/AMEMBASSY LONDON 1931  
RUEHNE/AMEMBASSY NEW DELHI 3820  
RUEHUL/AMEMBASSY SEOUL 7345  
RUEHTC/AMEMBASSY THE HAGUE 0611  
RUEHKO/AMEMBASSY TOKYO 4897  
RUEHCI/AMCONSUL CALCUTTA 1100  
RUEHCN/AMCONSUL CHENGDU 1117  
RUDKIA/AMCONSUL CHIANG MAI 0945  
RUEATRS/DEPT OF TREASURY WASHDC  
RUEHGV/USMISSION GENEVA 3102  
RHEHNSC/NSC WASHDC  
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RUEKJCS/JOINT STAFF WASHDC  
RUCNDT/USMISSION USUN NEW YORK 0743  
RUEHBS/USEU BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000345

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STATE FOR EAP/MLS;  
PACOM FOR FPA

E.O. 12958: DECL: 09/21/2016  
TAGS: [ELAB](#) [PGOV](#) [PHUM](#) [BM](#)  
SUBJECT: BURMA BEGINS TO ADDRESS FORCED LABOR AGAIN

REF: RANGOON 183

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Classified By: Econoff TLManlowe for Reason 1.4 (b,d)

11. (C) Summary: For the first time since early 2005, the GOB responded to two ILO case referrals and took action against officials accused of violating the prohibition against forced labor, and returned a child to his family. Two village officials were sentenced in the first investigation conducted under the new ILO-GOB agreement's forced labor reporting mechanism. Since the agreement was signed on February 26, the ILO Liaison Officer has referred two cases to the government for action and plans to expand the office to handle more referrals. End summary.

12. (C) On April 5, ILO Liaison Officer Richard Horsey confirmed press reports that on February 28 a court in Aunglan Township in central Burma found two village authorities guilty of forced labor, and sentenced them to six months in prison. It acquitted one other official. The officials had forced villagers to repair a road. The investigation and trial are evidence of the GOB's "quick and full cooperation" to implement the new ILO-GOB forced labor agreement, according to Horsey. The official action was important not only to prosecute the guilty individuals, he said, but also to send a signal to all officials that they would be held accountable for forced labor violations. He noted the unprecedented prominent local press coverage, which referred to the complainants as "civic-minded citizens" and urged the public to report allegations against authorities. However, he also speculated that one reason the GOB took action in this case was the fact that it was related to another case in which officials used their authority for private gain. Horsey referred the case that involved forced labor, and also submitted to authorities information he had

received about the related case that involved corruption and misuse of power in the same Township.

¶3. (C) Horsey also had referred a case of child soldier recruitment. The child has since been returned to his family and the case is currently under investigation by the Adjutant General. He acknowledged that, while the initial actions are positive, Burma's genuine commitment to end forced labor would only be proven when it takes effective action against military offenders. Horsey said the goal should not be to catch the maximum number of violators, but to get action on well-documented cases to undermine the sense of impunity of civilian and military authorities. By far the most serious cases occur in conflict areas by the military, so action in this area would ultimately show the success or failure of the mechanism.

¶4. (C) Horsey told us that he traveled to Mandalay after the agreement was signed, and experienced no official interference. Under the agreement, the government can choose to send along a representative, but cannot be present during ILO interviews. However, in this case they chose not to go on the trip. Horsey noted that, at times, a government escort would be helpful to smooth the way with local officials. Horsey would like to diversify his sources of complaints. He noted that over half of his earlier cases had been referred to him by the NLD, which the regime tried to claim was evidence of the ILO's political agenda.

¶5. (C) Under the ILO-GOB agreement, the "most competent authority" should investigate allegations referred by the ILO. A working group in the forced labor inter-ministerial body decides which government office will conduct investigations. The inter-ministerial body has representatives from the Home Affairs, Defense and Labor

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Ministries, the Attorney General, the Supreme Court, police, and other relevant ministries, and is chaired by the Deputy Minister of Labor. In the first case referred by Horsey, the Chairman wrote to the Forestry Minister, telling him to take the lead since some of the officials worked for the Forestry Ministry. So far, Horsey said, the group had been working cooperatively, and he assumed it was because they know their efforts had the support of the senior leadership.

¶6. (C) Horsey said the ILO had begun to seek a second expatriate officer and additional local support staff to work in the Liaison Office for the remainder of the 12-month agreement. That will permit one to travel and the other to receive complaints from citizens who sometimes travel to the ILO office from distant regions. He remained cautious but viewed the government's early actions as positive. Horsey said after such a strong start, the political cost of failure would be greater. He believed that previous attempts to work with the GOB on forced labor in 2004-2005 failed because the amount of cases the ILO referred to the government was so large that it overwhelmed the government's capacity to handle them. As opposed to those earlier efforts, this mechanism is based upon a written legal framework, which gives it more credibility and structure. In addition, by forwarding fewer, but better-documented cases, the ILO could help build the capacity of investigators.

¶7. (C) Comment: The key to success of this mechanism will be when reports of forced labor -- porters, mine clearers, etc. -- in conflict areas begin to decline. Action in a few cases without evidence that the overall practice has changed should not suffice to get Burma off the ILO agenda. Given how ingrained forced labor is in this country, it will take many years beyond the 12-month period to change official minds that forced labor is no longer acceptable. So the most we should hope for initially is that the authorities agree to extend the mechanism. End comment.

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